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January 8, 2017

VIA ECF

Hon. Richard E. Reyes
Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 112011

Re: *Yesh Music, LLC v. Sephora USA, Inc.*, 16-cv-4913 (CBA)(RER)


Your Honor:

I represent the plaintiff in the above referenced matter, and write pursuant to Your Honor's Ind. R. of Prac. III (B) and in response to defendant Sephora USA, Inc.'s correspondence dated January 4, 2017. (Dkt. No. 24). As an initial matter, please let me express my deep regret concerning the January 3, 2017 conference. After an accident on December 27, 2016, I underwent radical emergency surgery at the Hospital for Special Surgery. Thankfully, Dr. Dean Lorich was able to save my shoulder, and reattach my bicep, in a procedure that took just over five hours and required 3 plates, 8 pins, and 4 bone grafts. I was released in the evening of December 31, 2016 with a completely paralyzed left arm which is expected to fully recover after 3-6 months of rehabilitation.

Despite the forgoing, I still had every intention of attending the January 3, 2017 conference. In fact, on January 1, 2017, I circuited a call-in number to defendant's counsel along with plaintiff's Initial Disclosures. At 8:00 am on January 3, 2017, I started my rehabilitation program, which takes 5 hours per day, 5 days per week. The first day was unexpectedly painful, and, frankly, overwhelming. After rehabilitation, I was mentally and physically fatigued, and lost track of the scheduled conference. I sincerely apologize and hope the Court does not penalize the plaintiff for counsel's actions. Further, I can represent to the Court that other than

having to type with one finger, the paralysis in my left arm will not create any issues going forward.

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By: 
Richard M. Garbarini

cc: Louis Peter Feuchtbaum, Esq. (counsel for defendant via ECF)

